

<sup>2</sup> 5 U.S.C. § 8149; 20 C.F.R. §§ 501.2(c) and 501.3(a).

review authority is limited to appeals which are filed within 180 days from the date of issuance of OWCP's decision.<sup>3</sup>

Appellant, through counsel, appealed OWCP's January 21, 2020 merit decision, which finalized an overpayment of compensation. The 180<sup>th</sup> day following the January 21, 2020 decision was July 19, 2020. As this fell on a Sunday, appellant had until the next business day, Monday, July 20, 2020, to file the appeal.<sup>4</sup> As appellant did not file an appeal with the Board until August 8, 2020, more than 180 days after the January 21, 2020 OWCP decision, the Board finds that the appeal docketed as No. 20-1530 is untimely. The Board is without jurisdiction to review the appeal.

Appellant has not offered a reason to explain the failure to timely file an appeal with supporting documentation sufficient to establish compelling circumstances.

The Board's decisions and orders are "final upon the expiration of 30 days from the date of their issuance."<sup>5</sup>

---

<sup>3</sup> *Id.* at §§ 501.3(e). Under 20 C.F.R. § 501.3(e), the Board maintains discretion to extend the time period of filing an appeal if an applicant demonstrates compelling circumstances. No compelling circumstances are alleged or established in this case.

<sup>4</sup> 20 C.F.R. § 501.3(f)(2). *See also John B. Montoya*, 43 ECAB 1148 (1992).

<sup>5</sup> *Id.* at § 501.6(d).

**IT IS HEREBY ORDERED THAT** the appeal docketed as No. 20-1530 is dismissed.

Issued: April 8, 2021  
Washington, DC

Alec J. Koromilas, Chief Judge  
Employees' Compensation Appeals Board

Janice B. Askin, Judge  
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Alternate Judge  
Employees' Compensation Appeals Board